



W.P.(MD)No.16892 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.16892 of 2023

P.Krishnamoorthi

... Petitioner

-Vs-

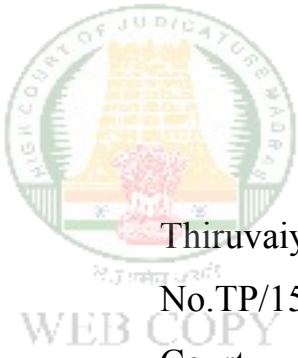
1.The Sub Registrar,
Thiruvaiyaru Sub Registrar Office,
Thanjavur District.

2.A.Radhakrishnan

... Respondents

(R2 is impleaded vide Court order dated 25.09.2024 in W.M.P.(MD)No.14742 of 2023 in W.P.(MD)No.16892 of 2023)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's impugned refusal check slip in Refusal No.RFL/Thiruvaiyaru/69/2023, dated 03.07.2023 and quash the same as devoid of merits and consequently, to direct the 1st respondent to accept the registration of the sale deed dated 04.05.2023 executed by the petitioner in favour of S.Parvathi, W/o.Late.Selvaraj in respect of the properties in New Survey No.166/2B4 an extent of 0.04.50 Ares in Patta No.455, New Survey No.166/2B5 an extent of 0.40.5 Ares out of 0.78.00 Ares in Patta No.602, New Survey No.259/9 an extent of 0.73.00 Ares, New Survey No.151/2, an extent of 0.37.50 in Patta No.106, New Survey No.184/2A an extent of 0.34.0 Ares in Patta No.591 in Thiruchotruthurai Village,



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Thiruvaiyaru Taluk, Thanjavur District as per the online application No.TP/154837530/2023, dated 03.07.2023 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For R1 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

This Writ Petition has been filed, challenging the refusal check slip issued by the 1st respondent dated 03.07.2023, thereby, refused to register the sale deed executed by the petitioner dated 04.05.2023 in respect of the properties comprised in New Survey No.166/2B4 to an extent of 0.04.50 Ares in Patta No.455, New Survey No.166/2B5 to an extent of 0.40.5 Ares out of 0.78.00 Ares in Patta No.602, New Survey No.259/9 to an extent of 0.73.00 Ares, New Survey No.151/2, to an extent of 0.37.50 in Patta No.106 and New Survey No.184/2A to an extent of 0.34.0 Ares in Patta No.591 situated at Thiruchotruthurai Village, Thiruvaiyaru Taluk, Thanjavur District.

2.The properties in question owned by the petitioner and he decided to sell the same and therefore, executed a sale deed in favour of one Parvathi on 04.05.2023. However, it was refused to register and the impugned refusal



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check slip was issued on the ground that there are three mortgages in respect of the properties in question and also the Writ Petition in W.P.(MD)No.1907 of 2021 is pending in respect of the very same properties in question.

3.Insofar as three mortgages are concerned, the entire loan amount has been settled and the receipts were also duly registered vide Document Nos.1354, 1355 and 1370 of 2023, dated 06.07.2023. Insofar as the Writ Petition in W.P.(MD)No.1907 of 2021 is concerned, the properties in question are no way connected to the said Writ Petition. In fact, the petitioner impleaded the petitioner in the said Writ Petition as the 2nd respondent in this case.

4.Though notice issued to the 2nd respondent, it was returned as 'No such person'. The said Writ Petition was filed as if the properties in question and other properties are all trust properties. However, the properties in question are not at all covered in the trust deed and as such, the said Writ Petition is no way connected to the properties in question.

5.In view of the above, the impugned order of the 1st respondent dated 03.07.2023 cannot be sustained in the eye of law and the same is liable to be set aside, accordingly, it is set aside. The petitioner is directed to re-present the



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sale deed before the 1st respondent for registration and on receipt of the same,

the 1st respondent is directed to register and release the same forthwith.

6. With the above direction, this Writ Petition is allowed. No costs.

03.12.2024

Index : Yes / No

NCC : Yes / No

Yuva

TO:-

The Sub Registrar,
Thiruvaiyaru Sub Registrar Office,
Thanjavur District.



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G.K.ILANTHIRAIYAN, J.

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